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6 **STATE FARM MUTUAL AUTOMOBILE**
INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 BRANDON RUESCH,

11 Plaintiff,

Case No:

12 vs.

PETITION FOR REMOVAL

13 STATE FARM MUTUAL AUTOMOBILE
14 INSURANCE COMPANY, a corporation; DOES
I through X, inclusive, and ROE
15 CORPORATIONS I through X, inclusive,

16 Defendants.

17 TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
18 SOUTHERN DISTRICT OF NEVADA

19 PLEASE TAKE NOTICE that Defendant, STATE FARM MUTUAL AUTOMOBILE
20 INSURANCE COMPANY (hereinafter "State Farm") hereby removes the State action described
21 herein to Federal Court. The grounds for removal are as follows:

22 1 On February 10, 2015, an action was commenced in the Eighth Judicial District
23 Court, Clark County, Nevada, entitled "Brandon Ruesch, Plaintiff vs. State Farm Mutual
24 Automobile Insurance Company, a corporation; DOES I through X, inclusive and ROE
25 CORPORATIONS I through X, inclusive. Defendants" - Case No. A-15-713757-C.

26 2. A copy of all process, pleadings and orders served upon Defendant, State Farm
27 Mutual Automobile Insurance Company in the State Court action is attached hereto as Exhibit
28 "A".

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2 3. The instant action is a civil action of which this Court has original jurisdiction
3 under 28 U.S.C. §1332, and is one which may be removed to this Court by Defendant State
4 Farm pursuant to the provisions of 28 U.S.C. §1441(b), in that it is a civil action between citizens
5 of different states and the matter in controversy exceeds the sum of \$75,000.00, exclusive of
6 costs and interest.

7 4. There is diversity of citizenship between Plaintiff and Defendant. Defendant State
8 Farm is informed and believes that Plaintiff Brandon Ruesch was and still is a citizen of the State
9 of Nevada. Defendant State Farm was at the time of the filing of this action, and still is a
10 corporation incorporated in the State of Illinois.

11 5. The matter in controversy exceeds \$75,000.00. The State Farm contractual
12 underinsured motorist policy includes policy limits of \$100,000.00 per person each accident. As
13 this matter involves claims for contractual and extra contractual damages arising from Plaintiff's
14 involvement in a motor vehicle accident on or about January 13, 2014, the contractual limits of
15 the policies, as well as the claimed punitive and tort damages are sufficient to exceed the
16 jurisdictional limit. In addition to compensatory damages under the underinsured portion of the
17 policy of insurance with Defendant, Plaintiff seeks extracontractual or "bad faith" punitive
18 damages under statutory and common law theories. Given those claims against this national
19 insurance company, it is clear that Plaintiff is seeking punitive damages in excess of \$75,000.00.

20 6. Defendant State Farm was served through the Nevada Division of Insurance on
21 February 24, 2015. (See Exhibit "B")

22 7. Pursuant to 28 U.S.C. §1446, a copy of this Notice of Removal is being filed with
23 the Clerk of the Eighth Judicial District Court, Clark County, Nevada, and is further served on all
24 parties hereto.

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1 WHEREFORE, Defendants hereby remove the State action now pending against it in the
2 Eighth Judicial District Court, Clark County, Nevada, Case No. A-15-713757-C, to this Court.

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4 DATED this 23 day of March, 2015.

5 DENNETT WINSPEAR, LLP

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8 By RYAN L. DENNETT, ESQ.

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15 ***STATE FARM MUTUAL AUTOMOBILE***
16 ***INSURANCE COMPANY***

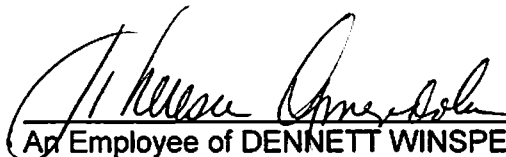
DENNETT WINSPEAR

ATTORNEYS AT LAW

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5 and LR 5-1, I certify that I am an employee of DENNETT WINSPEAR, LLP, and that on the 24 day of March, 2015 the foregoing **PETITION FOR REMOVAL** was served upon the parties via CM/ECF and U.S. Mail by depositing a true and correct copy thereof in the U.S. Mail, first class postage prepaid and addressed to the following parties:

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